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From: Amanda Scholes on behalf of Planning.Responses
Sent: 03 November 2021 09:09
To: Planning Scanning
Subject: FW: WA/63/21/PL
Attachments: Neil Crowther 2 November 2021.pdf

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-----Original Message-----

From: Neil Crowther [REDACTED]
Sent: 02 November 2021 11:42
To: Planning.Responses [REDACTED]
Subject: FW: WA/63/21/PL

-----Original Message-----

From: Michael Davis [REDACTED]
Sent: 02 November 2021 11:14
To: Neil Crowther [REDACTED]
Cc: Suzanne Clark [REDACTED] >; Andrew Ratcliffe [REDACTED]
Andrew Vawer [REDACTED]; Cllr. Grant Roberts [REDACTED]; Michael
Eastham [REDACTED]
Subject: WA/63/21/PL

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Dear Mr Crowther

Please find attached a letter to which I would appreciate your attention and response.

Kind regards

Dr Mike Davis

By email from: Dr Mike Davis

To: Mr Neil Crowther, Group Head of Planning, Arun District Council

2 November 2021

Dear Mr Crowther

WA/63/21/PL Planning Committee Meeting, 27 October 2021

Please would you address the following questions arising from the recent meeting.

I. LOSING SIGHT OF GREY

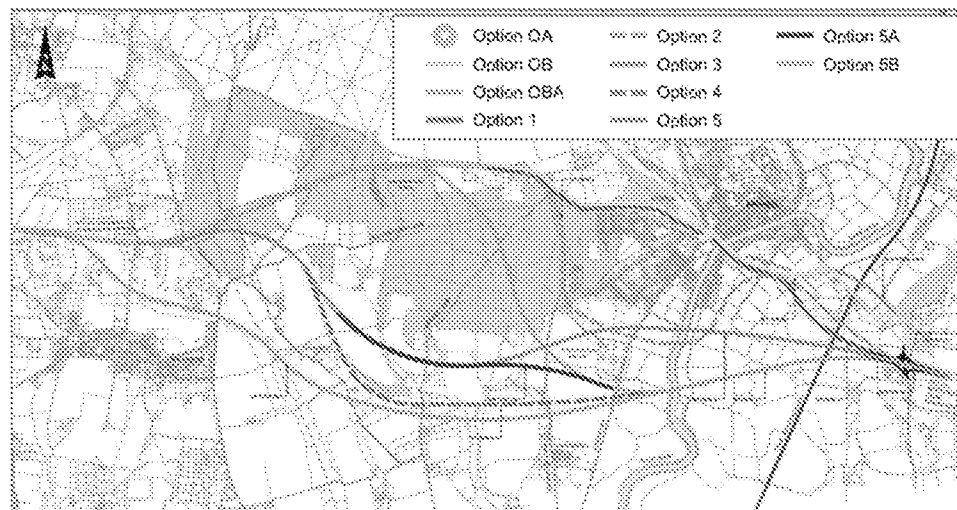
During the meeting, you advised members that the applicant could not have known that Grey would be selected as the preferred route. That is because its announcement was embargoed until 15 October 2020.

However, if you also meant that selection of Grey was unforeseeable and could not be planned for by the applicant or Arun District Council, that would not be correct for the following reasons.

a) An offline bypass avoiding South Down National Park (so-called option B) was identified in early 2015 by the A27 Corridor Feasibility Study (1).

b) Following publication of RIS1, Options Identification was undertaken in consultation with Arun District Council, and ten routes for consideration at Arundel were identified. These were published in June 2017 (map below). The Grey alignment (5B) was one of these and it avoided South Downs National Park. As it was both viable and able to meet scheme objectives, it was also one of five options considered in the next stage of scheme development (Options Selection).

Figure 12.2: Scheme options considered during Stage 1

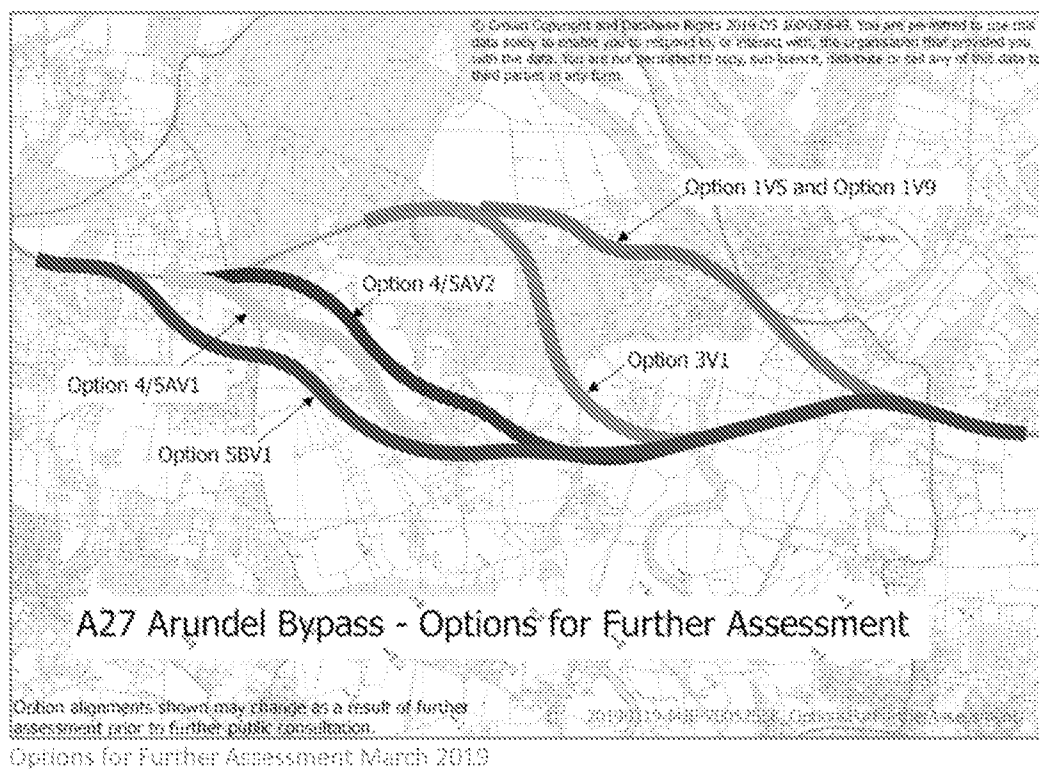


A27 Arundel Bypass PCF Stage 1 Technical Appraisal Report June 2017

c) Contrary to what the applicant said at the meeting, outline planning permission for Avisford Grange was not granted in 2017 but in February 2018. By then, the 2017 Public Consultation on the Arundel Bypass had taken place. It produced well evidenced objections to the exclusion of the identified route outside South Downs National Park (2,3). There is a straight line connecting these objections, known since 2017, and selection of Grey as a preferred route.

d) If this was not enough, the subsequent announcement of not one but two judicial reviews and then of a further public consultation (all in 2018) might reasonably have caused the applicant and Arun District Council to consider that Grey was still very much a candidate for preferred route status.

e) Following the Elected Representatives Forum held on 15 March 2019 (at which Arun District Council was well represented), a former member of the Council published the Options for Further Assessment map (below). This included option 5BV1 (later called Grey). The Reserved Matters permission was not granted until four weeks later (16 April 2019).



The idea that Grey could not be foreseen or planned for is not sustainable unless Arun District Council and/or the applicant had contrary information that is not in the public domain. Otherwise, how is that National Highways, South Downs National Park Authority and attentive residents in Walberton could all contemplate Grey being selected as a preferred route, but the applicant and Arun District Council could not?

Q1. Did Arun District Council lose sight of Grey as a candidate for preferred route status? If not, why did the applicant and why is it relevant to determination of this application?

II. COMMERCIAL RISK

As discussed at the meeting, the applicant already has all the necessary planning consents and site access to complete the construction of 175 new homes. Marketing appears to be ongoing (4). As of 15 July 2021, the landowners annual strategic report gives an anticipated completion date of June 2025 (5).

The concern said to be driving the application is the behaviour of lenders. With all due respect, the availability of loans to finance purchases from the applicant forms part of its commercial risk in developing the site before the A27 Arundel Bypass has formal planning status. I am supported in this view by the Case Officer who on 24 July 2021 advised:

“It is not Arun District Council but the applicant who is claiming that stalled Section 106 developer contributions and the 5-year land supply are material considerations. The applicant is claiming that his/her commercial risk is a material consideration”.

Q2. Therefore, why are commercial risk and housing supply now being treated as material considerations by Arun District Council in determining the application?

III. GUARANTEE

National Highways has informed Arun District Council without any stated conditions that, "we will, of course, ensure that access to the Vistry Homes Land East of Tye Lane is maintained during and after construction of the proposed bypass" (6). The applicant has not released the legal advice with which it seeks to cast doubt on this guarantee because of "*commercial sensitivities*" (my emphasis).

Q3. Please explain what causes Arun District Council to dismiss National Highways' explicit representation. Please would you also disclose any legal advice indicating that the guarantee National Highways has given the applicant cannot be made legally binding?

IV. MITIGATION

Retaining the Yapton Lane site access is keenly sought by residents and Walberton Parish Council as critical mitigation for the adverse impacts of the A27 Arundel Bypass if it were to receive a DCO. This mitigation is included in the design freeze circulated to members.

Q4. When did Arun District Council modify its Response to the 2019 Further Public Consultation which supports communities in seeking mitigation and undertakes to make officers available to discuss "any and all opportunities"? If unmodified, please may I have the Minutes of meetings with National Highways and/or Walberton Parish Council at which retention of the Yapton Lane access has been discussed.

V. SITE CONDITION

The applicant has submitted a representation that the site is derelict. If the presence on site of various plant, materials and contractors on 1 November 2021 is considered, this appears to be grossly inaccurate.

Q5. Please would you confirm the date of the last visit by officers to Avisford Grange and the condition in which the site was found.

VI. ACCURACY

On 17 August 2021, the Case Officer wrote (to Cllr Grant Roberts and copied to me):

“We are working very closely with our colleagues at WSCC Local Highway Authority on this planning application (WA/63/21/PL) and like you we are fully aware of the inaccuracies in the information submitted and we will be acting on this accordingly.”

Q6. Why hasn't Arun District Council acted please?

Thank you for your attention and I look forward to hearing from you.

Kind regards

Dr Mike Davis
Walberton, West Sussex

NOTES

1. A27 Corridor Feasibility Study. Report 2 of 3: Option Assessment Report. February 2015.

Table 7-1: Results of Stage 2 - Arundel					
	A Off-line – through National Park	B Off-line – longer to avoid National Park	C Off-line – close to town limits through National Park	D On-line dualing + 290m tunnel + bypass	E LOW COST / NO MINIMUM
To Study Stage 3?	✓	✓	✗	✗	✗
Reason	Show good strategic fit and meet the majority of the intervention specific objectives. Appear deliverable. Strong stakeholder views on environmental / community impacts to be taken into consideration.	Similar option to Options A and B. Was considered too similar to bypass options (A) and (B) for the purpose of investment case development.	Shows decent strategic fit but would not reduce journey times and improve reliability or severance sufficiently. In addition the on-line tunneling option was not preferred because the relatively high cost of tunnelling indicated the likelihood of poor VMA.		Impacts were considered too marginal / localised, including the likelihood of poor strategic fit.
A27 Corridor Feasibility Study November 2014					
Prepared by Parsons Brinckerhoff for the Highways Agency					

<https://www.gov.uk/government/publications/a27-corridor-feasibility-study-technical-reports>

2. SDNPA response to the Highways England Consultation – Arundel A27 Oct 2017 (<https://www.southdowns.gov.uk/wp-content/uploads/2017/08/A27-Worthing-2017-Oct-SDNPA-response-to-the-Highways-England-Consultation.pdf>)
3. Supplement to SDNPA Response to HE proposals for A27 Arundel (<https://www.southdowns.gov.uk/wp-content/uploads/2017/11/Letter-to-HE-20.12.17-supplement-to-SDNPA-A27-Arundel.pdf>)
4. <https://www.lindenhomes.co.uk/developments/west-sussex/avisford-grange-walberton>
5. Linden Wates (Walberton) LLP. Annual strategic report for the year ended 31 December 2020
6. National Highways representation to Arun District Council 5 August 2021